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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/271,247	03/17/1999	MAKOTO SATOH	35.C13405	3843

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NEW YORK, NY 10112

EXAMINER

VU, NGOC YEN T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/12/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

TDM

# Office Action Summary

Application No.

09/271,247

Applicant(s)

SATOH, MAKOTO

Examiner

Ngoc-Yen T. Vu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/26/2004 has been entered.

***Response to Amendment***

2. The amendments, filed 02/19/2004, have been entered and made of record.

***Claim Objections***

3. Claim 29 is objected to because of the following informalities: line 3, delete “ or said image data”. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 25-27, 30, 33-38, 41 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US #6,515,697 B1) in view of Satoh et al. (US #6,111,662).

Regarding claim 25, Yamada '697 teaches an image transmission apparatus comprising:

transfer means for transferring the information of data amount indicating the data amount of image data to an external apparatus (auxiliary memory MC) (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19);

reception means for receiving from said external apparatus (MC) a response signal indicating whether or not said external apparatus admits of the transmission of said image data in accordance with said information of data amount and the free storage capacity of storage means to store said image data in said external apparatus (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19); and

control means (MPU1 & MPU2) for controlling the transmission of said image data in accordance with the response signal received by said reception means to indicate whether or not the transmission of said image data is admitted (col. 6 lines 16-27; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 58).

Claim 25 differs from Yamada in that the claim further requires the transfer means transfers information of priority order of the image data, and the reception means receives the information of priority order of the image data. However the claimed limitation is well known in the art as shown in Satoh '662. In the same field of endeavor, Satoh teaches an electronic imaging apparatus (camera 30A/B) (see Figs. 1&2) comprising transfer means (modem 40A/B) for transferring the information of data amount indicating the data amount of image data to an external apparatus (see Fig. 9), and reception means for receiving from said external apparatus (camera 30A/B) a response signal indicating whether or not said external apparatus admits of the transmission of said image data in accordance with said information of data amount and the free storage capacity of storage means to store said image data in said external apparatus (see Figs.

Art Unit: 2612

15-22) (col. 9 line 65 – col. 10 line 62; col. 12 line 32 – col. 13 line 52). Satoh further teaches that the transfer means transfers information of priority order of the image data, and the reception means receives the information of priority order of the image data (see Figs. 27-28 and 33; col. 18 line 47 – col. 20 line 32). In light of the teaching in Satoh, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Yamada by transferring and receiving the information of priority order of the image data so as to inform the user of the specific image data which have been transferred and received.

As to claim 26, Yamada '697 teaches that the response signal to indicate whether or not the transmission of said image data is admitted is generated by the manual operation of said external apparatus (Yamada teaches that upon detection of the insertion of the auxiliary memory MC, the control means causes the image data in the main memory (MM) to be transferred and copied to the auxiliary memory MC according to designation of a copy mode; col. 1 lines 50-64, col. 7 lines 26-32, 36-39).

As to claim 27, Yamada '697 teaches that said image transmission apparatus is a digital camera (see Fig. 4, col. 1 lines 12+).

As to claim 30, Yamada '697 teaches the image corresponding to said image data is the image corresponding to a plurality of files, and said response signal to indicated whether or not the transfer of said image data is admitted permits the transfer of a part of plural files, but not any transfer of the files other than the part of the file permitted for transfer (col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42).

Art Unit: 2612

As to claim 33, Yamada '697 teaches that the digital camera is capable of photographing during the transmission of said image data (col. 7 lines 60-64; col. 9 lines 58-67; col. 12 lines 20-58).

As to claim 34, Yamada '697 teaches means for designating the suspension of the communication (col. 2 lines 4-12; col. 12 line 20 - col. 13 line 30; col. 14 lines 17-26).

As to claim 35, Yamada '697 teaches the image corresponding to said image data is the image corresponding to a plurality of files, and said reception means receives from said external apparatus the information indicating the files to be received by said external apparatus, and the information indicating the address of the external apparatus other than said external apparatus, the files to be received by the external apparatus other than said external apparatus (col. 2 lines 4-12; col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42; col. 12 line 20 - col. 13 line 30).

Regarding claim 36, Yamada teaches an image reception apparatus comprising:

reception means (MPU2) to receive a transfer including the information of data amount indication the data amount of image data, from an external apparatus (auxiliary memory MC);

detection means to detect the free storage capacity of storage means to store said image data (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19);

output means to output the indication screen to indicate the reception of said image data in accordance with said information of data amount and said free storage capability (see Figs. 6-9 and 11);

Art Unit: 2612

transmission means to transmit to said external apparatus (MC) the signal to indicate whether or not said image data are required in accordance with the reception indication of said image data (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19); and

image reception means to transmit to said external apparatus (MC) the signal to said external apparatus (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19).

Claim 36 differs from Yamada in that the claim further requires the external apparatus is admitted to the transmission of said image data, and the image reception means is to receive the image data transmitted by said external apparatus in response to the signal transmitted by said image reception means. Claim 36 also differs from Yamada in that the claim further requires the transfer means transfers information of priority order of the image data, and the reception means receives the information of priority order of the image data. However the claimed limitation is well known in the art as shown in Satoh '662. In the same field of endeavor, Satoh teaches an electronic imaging apparatus (camera 30A/B) (see Figs. 1&2) comprising transfer means (modem 40A/B) for transferring the information of data amount indicating the data amount of image data to an external apparatus (see Fig. 9), and reception means for receiving from said external apparatus (camera 30A/B) a response signal indicating whether or not said external apparatus admits of the transmission of said image data in accordance with said information of data amount and the free storage capacity of storage means to store said image data in said external apparatus (see Figs. 15-22) (col. 9 line 65 - col. 10 line 62; col. 12 line 32 - col. 13 line 52). Satoh further teaches that the transfer means transfers information of priority order of the

Art Unit: 2612

image data, and the reception means receives the information of priority order of the image data (see Figs. 27-28 and 33; col. 18 line 47 – col. 20 line 32). In light of the teaching in Satoh, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Yamada by transferring and receiving the information of priority order of the image data so as to inform the user of the specific image data which have been transferred and received.

As to claim **37**, Yamada '697 teaches that the signal to indicate whether or not the transmission of said image data is admitted is generated by the manual operation of said output means (Yamada teaches that upon detection of the insertion of the auxiliary memory MC, the control means causes the image data in the main memory (MM) to be transferred and copied to the auxiliary memory MC according to designation of a copy mode; col. 1 lines 50-64, col. 7 lines 26-32, 36-39).

As to claim **38**, Yamada '697 teaches that said image transmission apparatus is a digital camera (see Fig. 4, col. 1 lines 12+).

As to claim **41**, Yamada '697 teaches the image corresponding to said image data is the image corresponding to a plurality of files, and said signal to indicated whether or not the transfer of said image data is admitted permits the transfer of a part of plural files, but not any transfer of the files other than the part of the file permitted for transfer (col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42).

As to claim **44**, Yamada '697 teaches that the digital camera is capable of photographing during the transmission of said image data (col. 7 lines 60-64; col. 9 lines 58-67; col. 12 lines 20-58).



Art Unit: 2612

As to claim 45, Yamada '697 teaches means for designating the suspension of the communication (col. 2 lines 4-12; col. 12 line 20 - col. 13 line 30; col. 14 lines 17-26).

As to claim 46, Yamada '697 teaches the image corresponding to said image data is the image corresponding to a plurality of files, and said reception means receives from said external apparatus the information indicating the files to be received by said external apparatus, and the information indicating the address of the external apparatus other than said external apparatus, the files to be received by the external apparatus other than said external apparatus (col. 2 lines 4-12; col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42; col. 12 line 20 - col. 13 line 30).

6. Claims 28 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada '697 in view of Satoh '662, and further in view of Oie (US #6,188,431).

As to claims 28 and 39, the claims differ from Yamada, as modified by Satoh, in that they further require that said transfer means and said reception means perform transfer and transmission by use of cordless line. However, it is well known in the art to transfer image data of a digital camera using cable or cordless line, as taught in Oie '431 (see col. 2 lines 25-27, col. 7 lines 34+). In light of the teaching from Oie, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image transmission apparatus taught in Yamada and Satoh the capabilities of transmitting image data by use of cordless line so as to allow the user freedom to conveniently capture and transmit image data without using a cable.

Art Unit: 2612

7. Claims 29, 31-32, 40 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada '697 in view of Satoh '662, and further in view of Murphy et al. (US #6,282,362).

As to claims **29, 31-32, 40 and 42-43**, the claim differs from Yamada, as modified by Satoh, in that it further requires said transfer means performs transfer by adding the thumbnail images having a file name corresponding to said image data, wherein said file name indicated the positional information when said image data is photographed, and said transfer means transfers the audio corresponding to said image. The limitations are well known in the art as shown in Murphy '362.

In the same field of endeavor, in figure 2 Murphy '362 teaches a digital camera system 300 comprising a camera body (310), a recording unit (370) and a playback unit (380). Murphy further teaches that the thumbnail image having file names indicated the positional information of the photographed image data can be displayed on the camera viewer (340) (See Fig. 1, playback unit 104 comprises index image 184 and index icon generator 190). Murphy further teaches that audio streams can be digitally stored and play backed via the audio pickup device (172) and an audio transducer (202) (see Fig. 1). In light of the teaching from Murphy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image transmission apparatus taught in Yamada and Satoh the capabilities of adding the thumbnail images having audio data and file name indicating the positional information of the photographed image so as to provide image data storage in digital format with hype-links between the image and the image location at the time of data capture.

Art Unit: 2612

8. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada '697 in view of Satoh '662, and further in view of Fukuoka (US #6,300,976).

As to claims 47 and 48, the claims differ from Yamada, as modified by Satoh, in that it further requires the response signal includes information, which designates a terminal station other than said external apparatus as a transmission destination of the image data to be transmitted. The limitation is well known in the art as shown in Fukuoka. In the same field of endeavor, Fukuoka '976 teaches a digital image capturing device comprising an I/O card (15) which can store digital images, audio information and codes allowing a plurality of cameras and controllers to be connected through a network (col. 2 line 60 - col. 3 line 49; col. 4 lines 3-34; col. 6 line 55 - col. 7 line 15; col. 10 lines 31+). In light of the teaching from Fukuoka, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Yamada and Satoh by including in the response signal information designating a terminal station as a transmission destination allowing digital images to be efficiently transferred to a plurality of cameras and controllers through a network.

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc-Yen T. Vu whose telephone number is 703-305-4946. The examiner can normally be reached on Mon. – Fri. from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NGOC-YEN VU  
PRIMARY EXAMINER

Art Unit 2612

NYV  
03/06/2004